3201 Spurgin Road Missoula, MT 59801

October 26, 1995

To: Environmental Quality Council, Capitol Bldg., Helena, MT 59260

Dept. of Health & Environmental Sciences, Director's office

Dept. of Fish, Wildlife and Parks

Director's Office Park's Division Fisheries Division

Wildlife Division

Regional Supervisor

Lands Section

Design & construction

Legal Unit

Montana Historical Society, State Historic Preservation Office

Montana State Library

Jim Jensen, MT Environmental Info. Center, POB 1184, Helena, MT 59624 Janet Ellis Montana Audubon Council, POB 924, Helena, MT 59924

Wildlife Federation, POB 653, Bozeman, MT 59715

Wayne Hirst, Montana State Parks Foundation, POB 728, Libby, MT 59923

George Ochenski, POB 689, Helena, MT 59624

County Commissioners

Other Local Interested People or Groups

Ladies and Gentlemen:

Malney Fanch

The enclosed Environmental Assessment (EA) has been prepared for <u>Acception of donated lands for the Department's Fishing Access Program</u>, and is submitted for your consideration. Questions and comments will be accepted until <u>November 9</u>, 1995. If you have questions, feel free to contact me at (406)543-5500. All comments may be sent to the undersigned.

Thank you for your interest.

Sincerely,

Lee Bastian

Region 2 Parks Manager

Lee Bastian

Missoula

MEPA/NEPA/HB495 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

Wetlands/Riparian

Areas <u>83</u> acres

(c)

1.	Type	of Proposed State Action To acc	ent dona	ated lands for the Department's
		ss Program.	Opt GOIN	
2.	Agend	cy Authority for the Proposed Act	ion <u>23-</u>	1-102_
3.	Name	of Project Maloney Ranch Dedic	ations b	y Mr. Roy Prock.
4.	Name	, Address and Phone Number of F	Project S	ponsor (if other than the agency)
5.	if App	dicable:		
	Estim	ated Construction/Commencemen ated Completion Date nt Status of Project Design (% co		
6.	Locat	ion Affected by Proposed Action	county,	range and township)
Mi	ssoula	County, Range 20 West, Townsh	ip 12 N	orth
7.	Projec curre		cres tha	at would be directly affected that are
	(a)	Developed:	(d)	Floodplain 78 acres
		residential acres industrial acres	(e)	Productive: irrigated cropland acres
	(b)	Open Space/Woodlands/ Recreation <u>98</u> acres		dry cropland acres forestry acres rangeland acres

8. Map/site plan: attach an original 8 1/2" x 11" or larger section of the most recent USGS 7.5' series topographic map showing the location and boundaries of the area that would be affected by the proposed action. A different map scale may be substituted if more appropriate or if required by agency rule. If available, a site plan should also be attached.

Please Note: acreages fall into more than one category, total donation is 98

See attached site maps provided by WGM group, consultant hired by Mr. Roy Prock.

Rev. 9. Narrative Summary of the Proposed Action or Project including the Benefits and Purpose of the Proposed Action.

The Maloney Ranch is approximately five miles south of the Missoula urban area, adjacent to the Bitterroot River and Highway 93 South. The ranch encompasses an area of 3,000 acres, predominately in Sections 11, 14, 15, 23 and 24 of T12N, R20W. Mr. Roy Prock who purchased this ranch, hired WGM group out of Missoula to put a land use plan together. The plan proposes putting 1177 acres into conservation dedications through donations. The following is a breakdown: Five Valley Land Trust, 694 acres conservation easement; Missoula County, 202 acres conservation easement; DNRC, 181 acres fee title; and, FWP, 98 acres fee title.

The 98 acres proposed for FWP are small parcels of river front properties located on both sides of the river within the boundaries mentioned in the first paragraph. The total river frontage would be 2.4 miles. These properties would serve to benefit the resource by protecting the riparian habitat, waterfowl nesting, open space, wildlife viewing opportunities, and fishing access to the Bitterroot River.

As population growth continues to increase in western Montana and especially around the Missoula Valley, it will be crucial that these special places located close to metropolitan areas become protected. These asreas may also serve critical needs to the public as the years march by.

By the Department accepting these donated pieces of property, we will be serving a great need to the public and the resource. The Department will be living up to its vision for the future, "The Montana Department of Fish, Wildlife and Parks is responsive to the needs of diverse resources and habitats entrusted to our care with a focus on the ecological systems they depend on. We exercise a leadership role in resource management and parks and recreational issues and are recognized as the appropriate agency to do so."

•	Listin jurisd	g of any other L iction.	ocal, State or Fede	ral agency that has ove	rlapping or addition
	(a) Agen	Permits: cv Name	Permit	Date Filed/#	
			, , , , , , ,	Date Fried/#	
	(b)	Funding:			
	Agen	cy Name	Funding Am	ount	
	(c)	Other Overlapp	ing or Additional J	urisdictional Responsibi	lities:

Type of Responsibility

Agency Name

11. List of Agencies and Firms Consulted During Preparation of the EA:

Missoula County
Shannon Environmental Services - Phase I Environmental Site Assessment Report
Land & Water Consulting Inc. - Weed Inventory of Selected Parcels
WGM group - Maloney Ranch Resource Inventory
First American Title Insurance Company - Commitment for Title Insurance
First American Title INsurance Company - Mineral Title Report

. PART II. ENVIRONMENTAL REVIEW

PHYSICAL ENVIRONMENT

1. LAND RESOURCES		IM	IPACT [©]		Can Impact	Comment
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [©]	Index
a. Soil instability or changes in geologic substructure?		Х				
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil which would reduce productivity or fertility?		X				
c. Destruction, covering or modification of any unique geologic or physical features?		X				
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?		x				
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		Х				
f. Other						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

PHYSICAL ENVIRONMENT

2. <u>AIR</u>		IMI	Can Impact	Comment		
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [☆]	Index
➤ a. Emission of air pollutants or deterioration of ambient air quality? (also see 13 (c))		х				
b. Creation of objectionable odors?		Х				
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		х				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		х				
e. ♦ For P-R/D-J projects, will the project result in any discharge which will conflict with federal or state air quality regs? (Also see 2a)						
f. Other						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Air Resources (Attach additional pages of narrative if needed):

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

^{♦ ♦} Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

3. WATER		11.	/PACT [©]		Can Impact	Comment
Will the proposed action result in:	Unknown [⇔]	None	Minor [©]	Potentially Significant	Be Mitigated [☆]	Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?		х				
b. Changes in drainage patterns or the rate and amount of surface runoff?		х				
c. Alteration of the course or magnitude of flood water or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?		х				
e. Exposure of people or property to water related hazards such as flooding?		Х				
f. Changes in the quality of groundwater?		х				
g. Changes in the quantity of groundwater?		х				
h. Increase in risk of contamination of surface or groundwater?		х				
i. Effects on any existing water right or reservation?		Х				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		Х				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		Х				
l. ♦ ♦ <u>For P-R/D-J</u> , will the project affect a designated floodplain? (Also see 3c)						
m. ♦ For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a)						
n. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Water Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

^{♦ ♦} Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

PHYSICAL ENVIRONMENT

4. <u>VEGETATION</u>		IM		Can Impact	Comment	
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [☼]	Index
3. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			х			
b. Alteration of a plant community?		Х				
c. Adverse effects on any unique, rare, threatened, or endangered species?		Х				
d. Reduction in acreage or productivity of any agricultural land?		х				····
e. Establishment or spread of noxious weeds?		Х				
f. ♦ ♦ For P-R/D-J, will the project affect wetlands, or prime and unique farmland?						
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):
4a. If the Department accepts this land donation, the grazing activity would be discontinued. This would provide an excellent opportunity for all the plant species to rebound. This would allow the riparian zone to return to a more natural state that would help crowd out the leafy spurge.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

PHYSICAL ENVIRONMENT

► 5. <u>FISH/WILDLIFE</u>		IMI	PACT	-	Can Impact	Comment
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [☆]	Index
a. Deterioration of critical fish or wildlife habitat?		Х				
b. Changes in the diversity or abundance of game animals or bird species?		Х				
c. Changes in the diversity or abundance of nongame species?		Х				
d. Introduction of new species into an area?		Х				
e. Creation of a barrier to the migration or movement of animals?		Х				
f. Adverse effects on any unique, rare, threatened, or endangered species?		Х				
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		х				
 h. ◆ ◆ For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f) 						
i. ♦ For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d)						
j. Other:						

arrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS	IMPACT [©]				Can impact	Comment
Will the proposed action result in:	Unknown [©]	None	Minor [‡]	Potentially Significant	Be Mitigated [☆]	Index
a. Increases in existing noise levels?		Х	!			
b. Exposure of people to serve or nuisance noise levels?		Х				
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		×				
d. Interference with radio or television reception and operation?		х				
e. Other:				· 		

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

7. LAND USE		IM		Can Impact	Comment	
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [©]	Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?			х			
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		Х				2
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):
7a. The Maloney Ranch project as a whole is a land use plan for Mr. Prock the new owner of the property. This new land use plan is a change in the existing land use that will be in a graduated manner over the next 5-10 years.

HUMAN ENVIRONMENT

8. RISK/HEALTH HAZARDS		IM	IPACT [©]		Can Impact	0
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [©]	Comment index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?		x				
b. Affect an existing emergency response or emergency evacuation plan or create a need for a new plan?		х				
c. Creation of any human health hazard or potential hazard?		X				
d. ♦ <u>For P-R/D-J</u> , will any chemical toxicants be used? (Also see 8a)						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

9. COMMUNITY IMPACT		IM	Can Impact	Comment		
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [☆]	Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?			х			
b. Alteration of the social structure of a community?		Х				,
c. Alteration of the level or distribution of employment or community or personal income?		×				
d. Changes in industrial or commercial activity?		Х				
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		х				
f. Other:	·					

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

9a. The Maloney Ranch project in itself will be a project in which new residential homes will be built to accommodate the increase in population growth to the area. The lands being donated to the Department is only a piece of the overall project. These pieces of land will serve as recreational areas to the community.

HUMAN ENVIRONMENT

10. PUBLIC SERVICES/TAXES/UTILITIES		IM		Can Impact	Comment	
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [©]	Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:			х			
b. Will the proposed action have an effect upon the local or state tax base and revenues?		×				
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		Х				
d. Will the proposed action result in increased used of any energy source?		х				
▶ e. Define projected revenue sources						
▶ f. Define projected maintenance costs.						
g. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

10a. The donated lands to the Department will be an added responsibility that will have to be handled with existing budgets and manpower. Even though our long term goals for these pieces would be to keep most of them in a natural condition, the Department would still have responsibilities for weed control, public use of the area, and protection of the resources.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

^{♦ ♦} Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

► 11. <u>AESTHETICS/RECREATION</u>	IMPACT [©]				Can Impact	Comment
Will the proposed action result in:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [©]	Index
Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?		×		<u> </u>		
b. Alteration of the aesthetic character of a community or neighborhood?		×				
►c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report)			X			
d. ♦ For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c)	,					
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

11c. This donation of land will provide some new recreational opportunities for the public. Two of these pieces of property will provide walk-in access to the Bitterroot River directly from Hwy 93. The other pieces of property will provide floating access from the river itself. One of these pieces is directly adjacent to existing Department property. If the county accepts their conservation easements and the Department accepts these pieces there will be some great opportunities to consider some potential trails that may link Missoula with Lolo.

HUMAN ENVIRONMENT

12. CULTURAL/HISTORICAL RESOURCES	IMPACT [©]				Can Impact	Comment
Will the proposed action result in:	Unknown [©]	None	Minor [☆]	Potentially Significant	Be Mitigated [☆]	Index
▶ a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		×				
b. Physical change that would affect unique cultural values?		×				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. ♦ ♦ For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a)						
e. Other:						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts.

◆ ◆ Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

13. SUMMARY EVALUATION OF SIGNIFICANCE	IMPACT [©]				Can Impact	Comment
Will the proposed action, considered as a whole:	Unknown [©]	None	Minor [©]	Potentially Significant	Be Mitigated [☼]	Index
A. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources which create a significant effect when considered together or in total.)		x				
b. Involve potential risks or adverse effects which are uncertain but extremely hazardous if they were to occur?		х				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		х				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		х				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		х				
f. ♦ For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e)						
g. ♦ ♦ <u>For P-R/D-J</u> , list any federal or state permits required.						

Narrative Description and Evaluation of the Cumulative and Secondary Effects on Land Resources (Attach additional pages of narrative if needed):

Include a narrative explanation under Part III describing the scope and level of impact. If the impact is unknown, explain why the unknown impact has not or can not be evaluated.

Include a narrative description addressing the items identified in 12.8.604-1a (ARM)

Determine whether the described impact may result and respond on the checklist. Describe any minor or potentially significant impacts. Include a discussion about the issue in the EA narrative and include documentation if it will be useful.

- 2. Description and analysis of reasonable alternatives (including the no action alternative) to the proposed action whenever alternatives are reasonably available and prudent to consider and a discussion of how the alternatives would be implemented:
- A. No action alternative If the Department does not accept these donated pieces of land, it will force Mr. Prock will have to find some other alternative himself. The obvious options that he has to look at are: find another willing party; put a conservation easement on these pieces; keep the land for himself; or, sell the land to whomever would want it. The outcomes to some of these options may not be the most desirable for the resources.
- B. Accept the donated pieces of property If the Department accepts this donation of land, the resources and the public would greatly benefit. This action would help to preserve and protect a riparian area of the Bitterroot River. It would ensure that no alterations or development of the land would occur and that this type of open space would remain so. The public would gain some new legal access to the Bitterroot River that has been missing between Missoula and Lolo.

If Mr. Prock's whole proposal for conservation dedications go through, it would be reasonable to expect all three parties receiving property to procede together on developing a comprehensive management plan. The properties together begin to form a river corridor between Missoula and Lolo. The opportunities for public access and recreation would be enhanced.

There are some obvious management responsibilities that the Department will have to assume if the donation is accepted. Those would be: weed control; enforcement of rules and regulations; possibly some boundary and access signing; access planning; land planning that may include some trading of properties with adjoining neighbors; and, public questions about the area.

Even though all of these responsibilities obviously means money and manpower, the Department needs to be bold enough to realize the benefit this donation means to the public and enhancement this will give to the quality of life we all enjoy in the Missoula valley. It also doesn't mean that through the process of developing a management plan with the other parties that alternative funding sources are not identified or conceived.

- 3. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:
- Weed control is obviously a big concern to the Department and the State of Montana. The Department will make every tempt to address this issue on these properties as outlined in the "Weed Inventory of the Maloney Ranch" by Land and Water Consulting of Missoula. This report outlines quite nicely some control alternatives that we can implement. The report is on file at FWP Headquarters.

The "Phase I Environmental Site Assessment Report" (ESA) of the properties by Shannon Environmental Services did not produce evidence suggesting that recognized environmental conditions may affect the properties. The report is on file at FWP Headquarters.

The "Maloney Ranch Resource Inventory" by WGM group is a fairly comprehensive report on the major resources of the properties. Two of the sections deal specifically with "Fish and Wildlife" and "Recreation". The report is on file at FWP Headquarters.

4. Based on the significance criteria evaluated in this EA, is an EIS required? YES / NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An environmental Assessment is the appropriate level of analysis for this project since the Department is just trying to determine it this donation should be accepted or not. No impacts could be classified as being potentially significant.

5. Describe the level of public involvement for this project if any and, given the complexity and the seriousness of the environmental issues associated with the proposed action, is the level of public involvement appropriate under the recumstances?

The appropriate level of public involvement is the publication of 3 legal notices, one each for the Missoulian, and the Helena Independent Record. The ads will announce the availability of the EA and the dates of the 15 day comment period.

6. Duration of comment period if any:

October 20, 1995 to November 4, 1995

7. Name, title, address and phone number of the Person(s) Responsible for Preparing the EA:

Lee Bastian, Regional Parks Manager Department of Fish, Wildlife and Parks 3201 Spurgin Road Missoula, MT 59801 (406)542-5500